VILLAGE OF TUXEDO PARK BOARD OF TRUSTEES MEETING DECEMBER 10, 2008 7:30 P.M.

Present: Mayor Houston Stebbins

Deputy Mayor James Hays Trustee Christopher Hansen

Trustee Tinka Shaw Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: John Ledwith, Jeff Voss, Kelly Naughton, Esq., Meg Vaught, Michele Lindsay,

Jake Lindsay, Mary Graetzer, Mary Grimmig, Sally Sonne, Mr. & Mrs. Ken Stewart, Dena Steele, Kathy Biehl, Chiu-yin Hempel, Peter Regna, Brian Nugent, Esq., Donald Hanson, Nancy Hays, Serene Swirbul, Richard Messer (W&S),

Lucy Edwards, and videographer for Donald Hanson

Mayor Stebbins called the meeting to order and led the Pledge of Allegiance.

REPORTS

Mayor Stebbins

Thanked the Trustees for all of the Board's accomplishments in 2008.

Fyke Nature Association will be doing a Christmas Bird Count in the Village on December 27th from 9:30 a.m.-12:30 p.m. and invited residents to join the event.

Thanked the members and volunteers of the Tuxedo Garden Club for Christmas decorations and wreaths in the Village and the Hamlet.

Deputy Mayor Hays

On December 9th the Town Planning Board accepted Tuxedo Reserve's recommendation for resubmission of the amended Special Permit. The Town Planning Board was granted a 45-day extension by Tuxedo Reserve to complete their review.

DPW

Jeff Voss, DPW Superintendent informed the Board that the DPW is in need of a new dump truck with plow as one of the older trucks is in critical need of expensive repairs. In his research, he discovered he can get a new truck at a local dealership for less cost than the NYS bid price. Also the clarifiers at the sewer plant needs to have covers that will help prevent freezing. A prefab cover was found in a supply catalog for \$16,000. Also discussed was the need for storage space for the DPW equipment.

AUTHORIZE BID-DUMP TRUCK with Plow

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Village Clerk be authorized to advertise for bid in the Times Herald-Record for a new one-ton 4WD diesel dump truck with plow with a bid opening date of December 22, 2008 at 2:00 p.m.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Mayor Stebbins – aye Deputy Mayor Hays – aye Trustee Worthy – aye

The motion was passed by a 5-0 vote.

AUTHORIZE BID-CLARIFIER COVER

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Village Clerk be authorized to advertise for bid in the Times Herald Record for a cover for the clarifiers at the sewer plant that would measure 42'wide x 217'3" long x 72'1" high with a bid opening date of December 22, 2008 at 2:05 p.m.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye

Trustee Shaw – aye Trustee Hansen – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

DPW STORAGE

A motion was made Mayor Stebbins, seconded by Trustee Shaw that the Village be authorized to lease storage space in the warehouse facility located on Benjamin Meadow Road, owned by Peter Dolan, on a month-to-month basis not to exceed \$1.00 per square foot for a period no later than March 31, 2009.

Vote of the Board: Trustee Hansen – aye

Trustee Shaw – aye Trustee Worthy – aye Deputy Mayor Hays – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

VIAC

Michele Lindsay reported on the committee's project list. She requested the Village cover the cost (approximately \$1,000) to replace the Tuxedo Park sign at the front gate. They sent letters to neighbors on East Lake Stable Road asking their opinion of making Clubhouse Road to the junction with Fox Hill Road one way. The committee encourages the Board to move forward on capital financing for the large projects.

Mayor Stebbins stated that he was advised by the Village's Financial Advisor to defer any borrowing to 2009 due to the state of capital markets.

BUILDING PERMITS

PERFORMANCE BOND - DIEM

Building Inspector John Ledwith stated that Mary Diem has requested the refund of her performance bond that was put in place prior to the construction of her new home. Since not all items on the approved plans are finished, a temporary Certificate of Occupancy has been issued. He recommends a portion of the bond be retained until all items are complete.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Performance Bond of Mary Diem be reduced from \$50,000 to \$15,000 and that all remaining items be completed by June 15, 2009, with conditions subject to review by the Village Attorney.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye Mayor Stebbins – aye Trustee Hansen – aye Trustee Shaw – aye

The motion was passed by a 5-0 vote.

TREE REMOVAL – Prior documented violations on illegal tree removal have been forwarded to the Village Attorney.

PUBLIC COMMENTS

Mr. & Mrs. Ken Stewart: Expressed dismay with continued construction and activities on their neighbor's property.

Sally Sonne: Expressed her displeasure with the alarmist nature of the Mayor's Newsletter and postings at the front gate regarding deer drives.

Michele Lindsay: Concerned with hunters wandering on her property and her neighbor's and using Eagle Mountain Road to access Sterling Forest State Park.

Peter Regna: Commended the Board of Trustees, BAR, PB, BZA, Advisory boards and all Village employees.

PUBLIC HEARING - LOCAL LAW INTRODUCTORY #7 OF 2008 - FENCES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays to open the public hearing at 9:15 p.m. The vote was 5-0 in favor.

Peter Regna: Expressed concern with Section 49-3 regarding perimeter fences and the fact that temporary fences, permanent fences, walls, and barriers are all lumped into the definition of a fence. A closer look should be taken at the proposed law and restructured accordingly.

The Board asked if Mr. Regna would take a closer look at the legislation and outline areas the Board needs to address. Mr. Regna agreed.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be continued at the January 21, 2009 Board of Trustees meeting. The vote was 5-0 in favor.

SEWER MAINTENANCE PLANT BUILDING REPAIRS

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Weston & Sampson be authorized to hire Helical Drilling to address the sewer building underpinning for the cost of \$32,500 as outlined in their proposal.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Mayor Stebbins – aye Deputy Mayor Hays – aye Trustee Worthy – aye

The motion was passed by a 5-0 vote.

HANSON BUILDING PERMIT

Brian Nugent, Esq., speaking on behalf of Donald Hanson (4 Tower Hill Road), stated Mr. Hanson's engineer has reviewed the drainage situation and has determined the water problem is not Mr. Hanson's but is a result of the design of Mr. Stewart's driveway in conjunction with Continental Road.

Mayor Stebbins reminded Mr. Hanson and Mr. Nugent that the Board had requested a storm water and erosion control plan for Mr. Hanson's property (not the surrounding area) from their engineer and it has not been received.

A discussion was held and the Board requested a storm water management and erosion control plan be submitted by the end of the year for construction and post construction, which would include as an element of the plan a certification acceptable to Carl Stone that the concrete wall was constructed properly. Any safety issues that exist must be addressed by conferring with the Village engineer, including the pile of rocks on the site. Also, an outline of the portions of the project that remain and when each would be completed was requested to be submitted at least a week before the January meeting. The Board continued its request from the November meeting

for site plan table calculations with modifications and additions that occurred to be sure the project complies with all current Village Code requirements.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the decision on the extension of Mr. Donald Hanson's building permit which expired on November 16, 2008 would be tabled until the January 21, 2009 Board of Trustees Meeting.

Vote of the Board: Trustee Hansen – aye

Trustee Shaw – aye Trustee Worthy – aye Deputy Mayor Hays – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

PRECIPICE AND RIDGELINE ADVISORY COMMITTEE – FIRST INTERIM REPORT

Committee Chair Chiu-Yin Hempel presented the first Interim Report that outlines the committees' purpose, methodology, timetable and interim findings. She presented three options of focus for ridgelines: Option 1) regulate all ridgeline and precipice development throughout the Village, Option 2) regulate ridgeline and precipice development visible to a large portion of the public, and Option 3) have the BOT consider broadening the committee's authority to research broader view shed legislation. The committee recommends Option One. The committee will present its second Interim Report that will include detailed maps and precise calculations at the January 21st BOT meeting.

SPECIAL MEETING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that a Special Board of Trustees Meeting be held on December 22, 2008 at 7:30 p.m. for the purpose of awarding the bid for the Dump Truck and Clarifier Cover.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye Mayor Stebbins – aye Trustee Hansen – aye Trustee Shaw – aye

The motion was passed by a 5-0 vote.

TUXEDO JOINT FIRE DISTRICT REQUEST

A motion was made by Mayor Stebbins, seconded by Trustee Shaw to approve access for the Tuxedo Joint Fire District into Tuxedo Park and to Wee Wah Lake in emergencies or for limited training from the Barone Property on Warwick Brook Road, with prior approval of the Police department, and all costs and expenses for the project to be born by the Town of Tuxedo.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Mayor Stebbins – aye Deputy Mayor Hays – aye Trustee Worthy – aye

The motion was passed by a 5-0 vote.

NEW BUSINESS

PURCHASE NEW POLICE VEHICLE

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the purchase of a Police equipped 2008 Dodge Durango 4 WD under the NYS bid at a cost of \$29,774.49.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye

Trustee Shaw – aye Trustee Hansen – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

EXEMPTION FROM COUNTY TAXES - WATER FACILITY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Village of Tuxedo Park request from the County of Orange the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Section 13-3-12 for the year 2010

Vote of the Board: Trustee Worthy – aye

Trustee Shaw – aye

Deputy Mayor Hays – aye Mayor Stebbins – aye Trustee Hansen – aye

The motion was passed by a 5-0 vote.

APPOINT FIRE COMMISSIONER

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Ralph Brooks, Jr. be appointed as Fire Commissioner in the Tuxedo Joint Fire District based on the recommendation of the Eagle Valley Volunteer Fire Department.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye Mayor Stebbins – aye Trustee Hansen – aye Trustee Shaw – aye The motion was passed by a 5-0 vote.

COLD WAR VETERANS EXEMPTION - A discussion was held on the requirements for allowing the exemption on Village assessments. Village Attorney Kelly Naughton stated that a local law must be passed by the BOT.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board enter Executive Session at 12:18 a.m. to discuss the Dyne litigation and Village personnel matters. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board re-enter Regular Session at 2:00 a.m. The vote was 5-0 in favor.

AUDIT OF CLAIMS - Bills in the amount of \$321,740.93 for the General Fund, claim numbers 12-1 to 12-88, and \$22,548.22 for the Water Fund, claim numbers W12-1 to W12-11 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Trustee Darby that the meeting be adjourned at 2:30 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews Village Clerk-Treasurer